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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	No. 4-12-MJ-70421-KAW
	)	
v.	)	
	)	STIPULATION AND <del>PROPOSED</del>
ANDRE GRIFFIN,	)	ORDER DOCUMENTING WAIVER
	)	
Defendant.	)	
	)	
	)	

With the agreement of the parties, and with the consent of the defendant, the Court enters this order vacating the preliminary hearing date of May 2, 2012, setting a new preliminary hearing date for May 23, 2012, at 9:30 a.m., before the duty magistrate judge, extending the time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1, and excluding time under the Speedy Trial Act to May 23, 2012. The parties agree and stipulate, and the Court finds and holds, as follows:

1. The defendant, Andre Griffin, was charged in a complaint dated April 13, 2012, with one count of conspiring to distribute cocaine base, in violation of 21 U.S.C. § 846, and one count of distribution of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2. Griffin was arrested on or about April 17, 2012, and presented to Magistrate Judge Kandis A.

Westmore on or about April 18, 2012. John Paul Reichmuth, Esq., was appointed to represent Griffin. On or about April 23, 2012, Griffin was ordered detained pending trial.

2. Since April 23, 2012, the parties have conferred and will be trying to resolve this matter prior to the filing of indictment. These discussions, however, will require more time than the presently-scheduled May 2, 2012 preliminary hearing allows. Accordingly, the parties respectfully requests that the May 2, 2012 preliminary hearing be continued until May 23, 2012.

3. Taking into the account the public interest in the prompt disposition of criminal cases, the above-stated ground is good cause for extending the time limit for a preliminary hearing under Federal Rule of Criminal Procedure 5.1, for the filing period for an indictment, and for excluding time under the Speedy Trial Act. Failure to grant the continuance would deny the defense time for effective preparation and representation by seeking disposition of this matter prior to indictment on agreed-upon terms.

4. Accordingly, with the consent of the defendant, the Court hereby: (a) vacates the May 2, 2012 preliminary hearing date and extends the time for a preliminary hearing until May 23, 2012, before the duty magistrate judge, at 9:30 a.m.; and (b) orders that the period from today until May 23, 2012 be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161.

SO STIPULATED:

DATED: April 27, 2012

/s/  
JOHN PAUL REICHMUTH, ESQ.  
Attorney for ANDRE GRIFFIN

DATED: April 27, 2012

/s/  
W.S. WILSON LEUNG  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: April 27, 2012

*Kandis Westmore*  
HON. KANDIS A. WESTMORE  
United States Magistrate Judge